

R.B. asks the Utah Labor Commission to reconsider its prior decision denying his claim against Lucent Technologies for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this matter pursuant to Utah Code Ann. §63-46b-13.

### **BACKGROUND AND ISSUES PRESENTED**

Mr. B. seeks permanent total disability compensation from Lucent Technologies for injuries suffered at work on October 3, 1997. Mr. B. filed his application for benefits with the Commission on June 1, 2004. Judge Hann held an evidentiary hearing on April 21, 2005. On April 28, 2005, Judge Hann denied Mr. B.'s claim because his circumstances did not meet several of the tests for permanent total disability compensation established by § 34A-2-413(1) of the Utah Workers' Compensation Act. Mr. B. then asked the Commission to review Judge Hann's decision.

On January 10, 2006, the Commission affirmed Judge Hann's denial of Mr. B.'s claim. Specifically, the Commission concluded that Mr. B. had failed to show that his work-related injuries were the direct cause of his permanent total disability, as required by §34A-2-413(1)(b)(iii) of the Act. Mr. B. now asks the Commission to reconsider its decision. In support of this request for reconsideration, Mr. B. has submitted several pages of excerpts from the medical record, purportedly establishing a medical connection between his accident at Lucent and his various medical problems. Mr. B. also contends that various medical records are either missing from the joint medical exhibit, or have been overlooked or misinterpreted. Furthermore, Mr. B. suggests that his former attorney in this matter failed to provide adequate representation.

### **DISCUSSION**

The Commission understands the importance of this matter to Mr. B., as well as Mr. B.'s personal conviction that his work accident at Lucent led to a series of health problems, which in turn left him permanently and totally disabled. However, the Commission does not view the record in this matter as supporting Mr. B.'s interpretation. Having reviewed the record and Mr. B.'s arguments in support of reconsideration, the Commission remains convinced that, although Mr. B. suffered a significant injury while working for Lucent, Mr. B. is not permanently and totally disabled as a result of that injury.

### **ORDER**

The Commission denies Mr. B.'s request for reconsideration and reaffirms its previous decision of January 10, 2006. It is so ordered.

Dated this 31<sup>st</sup> day of March, 2006.

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R. Lee Ellertson  
Utah Labor Commissioner